



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP
Docket No. 6921-99
11 February 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 30 October 1974 for four years at age 19. The record reflects that you served for only four months without incident. During the 26 month period from February 1975 to April 1977 you received five nonjudicial punishments (NJP) for offenses that consisted of four instances of disobedience of a lawful order, disrespect towards an officer, a 16 day period of unauthorized absence, resisting apprehension, escaping from custody, and assault.

On 19 May 1977, you were notified that discharge under other than honorable conditions was being considered by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. You were advised of your procedural rights and elected to be represented by counsel and to present your case to an administrative discharge board (ADB). However, you subsequently agreed to waive an ADB provided you were recommended for a general discharge. On 16 May 1977 the commanding officer recommended that you be separated with a general discharge by

reason of misconduct due to frequent involvement with military authorities. The Chief of Naval Personnel approved the recommendation and directed separation with a general discharge. You were so discharged on 29 June 1977.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education, the letter or reference, and the fact that it has been more than 23 years since you were discharged. The Board concluded that the foregoing factors were insufficient to warrant recharacterization of your discharge given your record of five NJPs. The Board noted that you were extremely fortunate that the commanding officer agreed to a general discharge since most individuals with records such as yours are discharged under other than honorable conditions. The Board concluded that the discharge was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director